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**VIA ECF**

Hon. Loretta A. Preska  
 United States District Judge  
 Southern District of New York  
 500 Pearl Street  
 New York, New York 10007

Re: *L.V., et al. v. New York City Dep't of Educ., et al.*, Case No. 03-cv-9917

Dear Judge Preska:

We represent Plaintiffs in the above-captioned action. We write in response to the Special Master's Program Monitoring Report dated July 21, 2025, covering the New York City Department of Education's ("DOE") fulfillment of their obligations under the Court's July 19, 2023 Order (Dkt. No. 328, the "July 19, 2023 Order") for the time period of March 20, 2025 to July 21, 2025 (Dkt. No. 383, the "Report"), and the letter to this Court attached thereto (Dkt. No. 383-1, the "Cover Letter"). Specifically, the Report and Cover Letter contain certain inaccuracies that the Plaintiffs seek to clarify in order to assist the Court in accurately evaluating the DOE's compliance with the July 19, 2023 Order. *See* Dkt. No. 273 (pursuant to the Special Master's scope of authority, parties may file responses to a final report up to ten business days following the filing thereof).

First, the Report incorrectly states on page 9 that the Special Master shared a "draft" of the "web form fields for the Impartial Hearing Officer's order in IHMS" with Plaintiffs "for a final review and endorsement" in May 2025, and that Plaintiffs provided "final comments" prior to the filing of the Report. In reality, while Plaintiffs provided timely comments upon receipt of the web form, a number of those comments remain outstanding and unaddressed by the DOE as of the filing of the Report. At no point did the Special Master indicate to Plaintiffs that he was expecting final comments prior to the filing, and Plaintiffs expressly informed him that their feedback was not final.<sup>1</sup> Plaintiffs have since provided additional context for their comments and continue to await responses from the DOE. Specifically, Plaintiffs requested additional fields to the DOE's proposed drop-downs on the web form, which are minimal and non-burdensome, but necessary for accurate and independent issuance of the hearing orders. As of the date hereof, the DOE has not yet agreed to these requested additions.

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<sup>1</sup> In fact, during the pre-filing review of the Report, Plaintiffs advised the Special Master in writing that their comments on the web form fields were not final.

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Second, the Cover Letter asserts that the DOE has made “progress . . . to address some of their communications challenges,” including by “having multiple meetings with Plaintiffs to hear their concerns and issues.” This is factually incorrect. The DOE has refused to engage directly with Plaintiffs’ counsel regarding this litigation or the implementation of the July 19, 2023 Order since the fall of 2023 despite Plaintiffs’ requests, and, contrary to the Special Master’s representation, the lack of communication has not improved. Plaintiffs have been limited to channeling all feedback solely through the Special Master. Since June 2025, Plaintiffs have participated in two meetings with the DOE’s Court-ordered communications liaison consultant, both of which were focused on Plaintiffs’ feedback regarding the SupportHub platform, and not regarding the implementation of the rest of the July 19, 2023 Order or this litigation.

Third, Plaintiffs have significant concerns that the DOE has fulfilled only 41% of the Court-ordered obligations from the July 19, 2023 Order and that all remaining obligations have been overdue since at least January 2025. During the pre-filing review of the Report, Plaintiffs urged the Special Master to emphasize to the Court that, while the development of the IHMS system has hopelessly stalled, the DOE has also failed to fulfill or provide updates on several other outstanding obligations requiring key process changes. Notably, these obligations are entirely separate from the IHMS system, upon which it appears the DOE relies to justify its delays, and should have proceeded independently. For example, the July 19, 2023 Order required the DOE to make certain policy changes and create an Operating Procedures Manual, which are not dependent upon any technological development, but have been past due for over a year. *See* Report at 22. The DOE also has not responded to inquiries and recommendations from the Special Master for more than a year in multiple instances. *See, e.g., id.* at 20, 32, 38.

Plaintiffs further note that many of the concerns in our letter to the Court dated March 10, 2025 remain outstanding. *See* Dkt. No. 378. As illustrated in the chart below, the DOE has made very minimal progress in the past twelve months toward fulfilling its obligations under the July 19, 2023 Order, an important fact that was omitted from the Executive Summary section of the Report.

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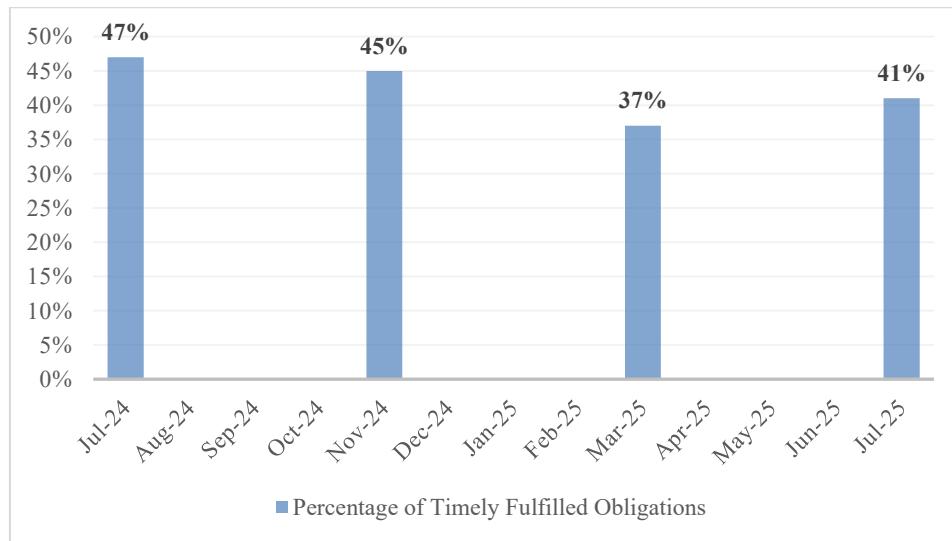
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Plaintiffs expressly reserve all rights to pursue any and all available remedies in connection with the DOE's ongoing failure to comply with the July 19, 2023 Order and other applicable orders of this Court. Nothing in this letter shall be construed as a waiver of Plaintiffs' rights to seek further relief, including but not limited to sanctions or any other remedies the Court may deem appropriate under the circumstances.

*[Signature page follows]*

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Dated: August 1, 2025

Respectfully,

*/s/ Michael B. Miller*  
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cc: All Counsel of Record (via ECF)